

February 25, 2019

Mr. Nick Wilson
MK Consulting Engineers, LLC
3300 Clipper Mill Rd. Suite 201
Baltimore MD 21211

Re: Northeast Area Elementary School 2, Rosedale MD 21237
Rossville Blvd. @ Gum Spring Rd.
Forest Buffer Variance
Tracking Number 06-19-2915

Dear Mr. Wilson:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance to Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for the referenced project. The project involves the construction of an elementary school and the associated infrastructure, including parking, walks, and athletic fields. The request proposes 18,275 square feet of impact to forest buffers including impacts to 2,584 square feet of non-tidal wetlands for the construction of the school building, parking lot, and athletic fields. There are no stream or 100-year floodplain impacts proposed. The property is in both the Use I Stemmers Run watershed and the Use IV White Marsh Run watershed. The majority of the forest buffer impacts are within the White Marsh Run watershed.

This Department has reviewed your request, and has determined that a practical difficulty exists given the existing site constraints. It is acknowledged that the development layout has been designed to minimize impacts to resources while providing for construction of an elementary school and the necessary infrastructure. Provided there are adequate sediment controls, and mitigation for the forest buffer impacts, the proposal can be managed to minimize water quality impacts. Therefore, in accordance with Section 33-3-106 of the Baltimore County Code, we will grant the request with the following conditions:

1. In accordance with Section 33-3-112 (c) (2) of the Baltimore County Code, the project shall be located, designed, constructed, and maintained to provide maximum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality. Following any disturbance, the impacted area shall be restored.
2. The following note must appear on all plans and plats submitted for this project:

On February 25, 2019, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains. This variance approved forest buffer and wetland impacts for construction of a school and the related infrastructure on this property. Conditions were placed on this variance to reduce water quality impacts.

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3. Mitigation shall be provided at 2:1 for forest buffer impacts (51,022 square feet). A fee-in-lieu of \$28,062.10 (51,022 x \$0.55 per square foot) must be paid to EPS prior to any permit approvals. Because a majority of the buffer impacts are forested, a portion of the fee can also meet part of the forest conservation requirements for this project. In addition, the non-tidal wetland impacts must be mitigated as required by the Maryland Department of the Environment. This mitigation requirement includes the mitigation required in the review of the alternatives analysis for the widening of Gum Spring Road. Mitigation details must be submitted in a forest buffer protection plan (FBPP) for this project. The FBPP must be approved prior to any permit approvals for this project.
4. "Orange high visibility fence shall be manually installed along the limits of disturbance (LOD) where the LOD is within 50-feet of any forest buffer or forest conservation area. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., work cannot commence until the required corrections are completed to the satisfaction of Baltimore County EPS." This note must be placed on all plans for this project, and must appear in the beginning, where appropriate, of the sequence of operations on the sediment control and grading plans.
5. The grading and sediment control plans must be reviewed and approved by this office.
6. State and Federal approvals for non-tidal wetland and non-tidal wetland buffer impacts must be provided prior to the approval of any permit for the project.

It is the intent of this Department to grant this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions regarding this correspondence, please call Mr. Paul Dennis of Environmental Impact Review at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL/pad

c: Kevin Haines, Holly Oak Consulting, LLC

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I/We agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

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| Signature of Baltimore County Public Schools Representative | Printed Name | Date |
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